

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

GERARD DAVID McCREE, JR.,

Plaintiff,

v.

ERIC JONES,

Defendant.

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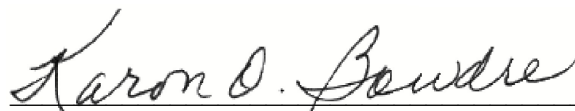
2:07-cv-00280-KOB-JEO

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on April 13, 2007, recommending that this action be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The magistrate judge further recommended that the plaintiff's state law claims be dismissed without prejudice, pursuant to 28 U.S.C. § 1367(c)(3). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and hereby is **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The plaintiff's state law claims are due to be dismissed without prejudice, pursuant to 28 U.S.C. § 1367(c)(3). A Final Judgment will be entered.

**DATED**, this 9<sup>th</sup> day of May, 2007.

  
KARON OWEN BOWDRE  
UNITED STATES DISTRICT JUDGE